

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA, :
:
Plaintiff, : DECLARATION OF
-v.- : ASSISTANT UNITED STATES
: ATTORNEY
: BENET J. KEARNEY
THE BULK CARGO CARRIER KNOWN AS THE :
“WISE HONEST,” BEARING INTERNATIONAL :
MARITIME ORGANIZATION NUMBER 8905490, :

Defendant-in-rem. :
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STATE OF NEW YORK)
COUNTY OF NEW YORK : ss.:
SOUTHERN DISTRICT OF NEW YORK)

BENET J. KEARNEY, under penalty of perjury, declares:

1. I am an Assistant United States Attorney in the Office of Geoffrey S. Berman, United States Attorney for the Southern District of New York, attorney for plaintiff herein. I have responsibility for the above-captioned matter, and as such, I am familiar with the facts and circumstances of this case. This Declaration is submitted in support of the Government’s application for a Final Judgment of Forfeiture with respect to the above-captioned Defendant-*in-rem*.

2. On May 9, 2019, the United States commenced an *in-rem* forfeiture action seeking the forfeiture of the Defendant-*in-rem*, by the filing of a Verified Complaint for Forfeiture (the “Verified Complaint”). The Verified Complaint alleged that the Defendant-*in-rem* is subject to forfeiture pursuant to Title 18, United States Code, Sections 981(a)(1)(A) and 981(a)(1)(C).

3. Beginning on or about May 10, 2019, and continuing through July 9, 2019, the Government published notice of the Verified Complaint for Forfeiture against the Defendant-*in-rem* on the official government internet site, www.forfeiture.gov, for at least 30 consecutive, and proof of such publication was filed with the Clerk of this Court on July 10, 2019 (D.E. 9).

4. As set forth in Rule G(4)(a)(ii) and Rule G(5)(a)(ii), the notice of forfeiture specified the Defendant-*in-rem* and the intent of the United States to forfeit and dispose of the Defendant-*in-rem*, thereby notifying all third parties of their right to file a claim to adjudicate the validity of their alleged legal interest in the Defendant-*in-rem*, within sixty days from the first day of publication of the Notice on the official government internet site.

5. On or about May 14, 2019, notice letters and copies of the Verified Complaint were sent by United States Postal Service to the following:

Korea Songi Shipping Company
No. 01 Chungsong 3-dong
Rakrang-guyok, Pyongyang
North Korea

Korea Songi General Trading Corporation
Songi Trading Company
Korea Songi Trading Company
No 01 Chungsong 3-dong
Rakrang-guyok, Pyongyang
North Korea

6. Korea Songi General Trading Corporation and Korea Songi Shipping Company are the only entities known by the United States to have a potential interest in the Defendant-*in-rem*.

7. On or about July 3, 2019, Cynthia Warmbier and Frederick Warmbier (together, the "Warmbiers") filed a Petition (the "Warmbier Petition") claiming an interest in the Defendant-*in-rem*.

8. On or about September 19, 2019, Han Kim and Yong Seok Kim together, the "Kims") filed a Petition (the "Kim Petition") claiming an interest in the Defendant-*in-rem*.

9. Other than the Warmbier Petition and the Kim Petition, no claims or answers have been filed or made in this action and no other parties have appeared to contest the action, and the requisite time periods in which to do so, as set forth in Title 18, United States Code, Section 983(a)(4)(A) and Rule G of the Supplement Rules for Admiralty or Maritime Claims and Asset Forfeiture Claims, have expired.

8. Accordingly, the Government respectfully requests that the Court enter the attached proposed Judgment of Forfeiture attached hereto as Exhibit 1.

9. There has been no prior application for the relief sought herein. I declare the foregoing to be true and correct pursuant to Title 28, United States Code, Section 1746.

Dated: New York, New York
October 17, 2019



BENET J. KEARNEY
Assistant United States Attorney

EXHIBIT 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA,

:
Plaintiff, : JUDGMENT OF FORFEITURE
-v.- :
: 19 Civ. 4210 (PKC)

THE BULK CARGO CARRIER KNOWN AS THE :
“WISE HONEST,” BEARING INTERNATIONAL
MARITIME ORGANIZATION NUMBER 8905490, :

Defendant-in-rem. :
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WHEREAS, on or about May 9, 2019, the United States commenced an *in rem* forfeiture action seeking the forfeiture of the Defendant-*in-rem*, by the filing of a Verified Complaint for Forfeiture (the “Verified Complaint”). The Verified Complaint alleged that the Defendant-*in-rem* is subject to forfeiture pursuant to Title 18, United States Code, Sections 981(a)(1)(A) and 981(a)(1)(C);

WHEREAS, notice of the Verified Complaint against the Defendant-*in-rem* was posted on the official government internet site, www.forfeiture.gov, for at least 30 consecutive days, beginning on May 10, 2019, through July 9, 2019, and proof of such publication was filed with the Clerk of this Court on July 10, 2019 (D.E. 9);

WHEREAS, on or about May 14, 2019, notice letters and copies of the Verified Complaint were sent by United States Postal Service to the following:

Korea Songi Shipping Company
No. 01 Chungsong 3-dong
Rakrang-guyok, Pyongyang
North Korea

Korea Songi General Trading Corporation
Songi Trading Company
Korea Songi Trading Company
No 01 Chungsong 3 dong
Rakrang-guyok, Pyongyang
North Korea

WHEREAS, as set forth in Rule G(4)(a)(ii) and Rule G(5)(a)(ii), the notice of forfeiture specified the Defendant-*in-rem* and the intent of the United States to forfeit and dispose of the Defendant-*in-rem*, thereby notifying all third parties of their right to file a claim to adjudicate the validity of their alleged legal interest in the Defendant-*in-rem*, within sixty days from the first day of publication of the Notice on the official government internet site; and

WHEREAS, on or about July 3, 2019, Cynthia Warmbier and Frederick Warmbier (together, the “Warmbiers”) filed a Petition (the “Warmbier Petition”) claiming an interest in the Defendant-*in-rem*;

WHEREAS, on or about September 19, 2019, Han Kim and Yong Seok Kim together, the “Kims”) filed a Petition (the “Kim Petition”) claiming an interest in the Defendant-*in-rem*;

WHEREAS, on or about _____, the court entered a Stipulation and Order in which the United States and the Warmbiers resolved the Warmbier Petition.

WHEREAS, on or about _____, the court entered a Stipulation and Order in which the United States and the Kims resolved the Kim Petition.

WHEREAS, no other claims or answers have been filed or made in this action and no other parties have appeared to contest the action, and the requisite time periods in which to do so, as set forth in Title 18, United States Code, Section 983(a)(4)(A) and Rule G of the Supplement Rules for Admiralty or Maritime Claims and Asset Forfeiture Claims, have expired;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. The Defendant-*in-rem* shall be, and the same hereby is, hereby forfeited to the plaintiff United States of America.
2. The United States Department of Treasury (or its designee) shall dispose of the Defendant-*in-rem*, according to law.
3. The Clerk of the Court shall forward four certified copies of this Judgment of Forfeiture to Assistant United States Attorney Alexander J. Wilson, Co-Chief of the Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York, 10007.

Dated: New York, New York
October____, 2019

SO ORDERED:

THE HONORABLE P. KEVIN CASTEL
UNITED STATES DISTRICT JUDGE